

ENTERED

September 27, 2017

David J. Bradley, Clerk

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION

UNITED STATES OF AMERICA

§

VS.

§

MAGISTRATE NO. 2:17-MJ-888

JHOSEP MALCOM MEJIA

§

§

**MEMORANDUM OPINION AND ORDER OF DETENTION PENDING TRIAL
AND ORDER DENYING MOTION FOR RECONSIDERATION**

A detention hearing has been held in accordance with the Bail Reform Act, 18 U.S.C. § 3142(f). The following requires detention of the Defendant pending trial in this case:

- (1) There are no conditions or combination of conditions that will ensure the safety of the community; and
- (2) There is a serious risk that the Defendant will fail to appear for future court proceedings.

The evidence against the Defendant meets the probable cause standard. The findings and conclusions contained in the Pretrial Services Report are adopted. The motion for reconsideration (D.E. 14) is DENIED. The Defendant is a resident alien. His wife's status in the United States pursuant to DACA is very uncertain. The Defendant has contacts with Mexico and faces deportation if convicted. Moreover the Defendant was only recently released from bond on a DWI charge when he committed the instant offense. Even though the judge in the DWI case does not appear willing to issue any kind of warrant or revoke bond, his statement of what he will or will not do in the future

is not helpful. According to the Pretrial Services Officer, there is a detainer against the Defendant because of the bond issue. This matter has been reconsidered twice now and will not be reconsidered again. The Defendant is not a good candidate for bond. Detention pending trial is ordered.

The Defendant is committed to the custody of the United States Marshal or his designated representative for confinement in a corrections facility separate, to the extent practicable, from persons awaiting or serving sentences or being held in custody pending appeal. The Defendant shall be afforded a reasonable opportunity for private consultation with defense counsel. On order of a court of the United States or on request of an attorney for the Government, the person in charge of the corrections facility shall deliver the Defendant to the United States Marshal for the purpose of an appearance in connection with a court proceeding.

ORDERED this 27th day of September, 2017.



B. JANICE ELLINGTON
UNITED STATES MAGISTRATE JUDGE